



**MINUTES FOR THE WORK / STUDY MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
MARCH 04, 2014 – 5:15 P.M.**

The following are the minutes of the Work/Study Meeting of the Springville City Council. The meeting was held on **Tuesday, March 04, 2014 at 5:15 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

COUNCILMEMBER CHILD MOVED TO APPOINT COUNCILMEMBER CONOVER AS MAYOR PRO TEM. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE.

Mayor Pro Tem Craig Conover presided. In addition to Mayor Pro Tem Conover, the following were present: Councilmember Richard Child, Councilmember Christopher Creer, Councilmember Dean Olsen, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/Finance Director Bruce Riddle, Assistant City Administrator/City Attorney John Penrod, and City Recorder Kim Rayburn. Also present were: Community Development Director Fred Aegerter, Public Works Director Brad Stapley, Power Director Leon Fredrickson, Public Safety Director Scott Finlayson, Administrative Services Manager Rod Oldroyd, Director of Recreation Chuck Keeler, and Museum of Art Director Dr. Rita Wright. Mayor Clyde was excused.

CALL TO ORDER

Mayor Pro Tem Conover called the meeting to order at 5:15 p.m. and excused Mayor Clyde.

COUNCIL BUSINESS

1. Minutes – February 04, 2014, City Council Meeting

COUNCIL MEMBER CONOVER MOVED TO ACCEPT THE MINUTES OF THE FEBRUARY 4, 2014, CITY COUNCIL MEETING, AS MODIFIED. LINE #142 CITIZEN SHOULD BE BUSINESSES AND LINE #205 SHOULD STATE, ALL WELLS LESS THAN 30 FEET DEEP COUNCIL MEMBER CREER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

2. Calendar

- March 11 – Joint Work/Study Meeting of the City Council and the Planning Commission, 5:15 p.m.;
- March 09 – Daylight Savings;
- March 17 – St. Patrick’s Day;
- March 18 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.;
- March 20 – First Day of Spring;
- March 21 – Pet Products Council;
- April 1 – Work/Study Meeting 5:15 p.m., City Council Meeting 7:00 p.m.; and
- April 1 – April Fools’ Day

3. Discussion on this evening’s Regular Meeting agenda items

- a) Invocation – Council Member Sorensen
- b) Pledge of Allegiance – Council Member Child
- c) Consent Agenda
 - 1) Approval of all City purchase orders properly signed (SCC §2-10-110(5));
 - 2) Approval of a Boundary Agreement Between Fern Hanson Family Partnership, Hollow Acres LP, and Springville City at West Chappell Drive – Cris Child, Airport Manager;
 - 3) Approval to amend the Hangar Ground Lease to include a revised Indemnification Clause – Cris Child, Airport Manager;
 - 4) Approval to amend the Stonehenge of Springville Subdivision, Plat A, located at approximately 450 South 950 West in the Neighborhood Commercial Zone – Fred Aegerter, Director of Community Development;
 - 5) Approval of a Class B Beer License to Art City Trolley located at 256 North Main – Kim Rayburn, City Recorder;
 - 6) Approval of the appointment of Philip Carlson to the Springville Arts Commission;
 - 7) Approval of the appointment of Julie Ann Ahlborn to the Springville Arts Commission;
 - 8) Approval of the appointment of Clair Anderson to the Springville/Spanish Fork Airport Board;
 - 9) Approval of the appointment of Joey Franklin to the Springville Library Board;
 - 10) Approval of the appointment of Keith Leatham to the Springville Library Board;
 - 11) Approval of the appointment of Delora Bertleson to the Springville Arts Commission;
 - 12) Approval of the appointment of Ginny Ackerson to the Springville Arts Commission; and
 - 13) Approval of the appointment of Council Member Dean Olsen to South Utah Valley Animal Services Special;

Mayor Pro Tem Conover asked if there was any discussion. There was none.

82 **4. Discussions/Presentations**

83 a) **Legal**

84 Shannon Acor, Springville's Art City Substance Abuse Prevention (ASAP) Coordinator,
85 spoke about the SHARP (Student Health and Risk Prevention) Survey conducted in 2013. She
86 stated that it surveys grades 6, 8, 10 and 12. It encompasses 39 school districts throughout the
87 state, in addition to 14 charter schools, and is administered every two years. This study also
88 provides information on how students in Springville compare with the State of Utah, as well as
89 students across the United States.

90 Ms. Acor reported that alcohol use is down among 8th and 12th graders for the first time,
91 and the use of chewing tobacco is below the state norm. Prescription drugs, cigarette, and
92 marijuana use are also down in all grades. This means that averages of all grades were
93 calculated in these areas. Ms. Acor displayed a graph representing Springville's lifetime
94 substance use rates, and explained that the survey asks students how often they have used a
95 substance in their lifetime, compared to how frequently they have used it in the past 30 days.
96 She reported that overall these numbers are decreasing as well as how data is collected.

97 The survey also provides information on various factors that can help protect youth in the
98 community. Ms. Acor reported on the survey data collected which shows that 84% of students
99 claim they have strong family attachments, 78% have a strong sense of religion in their home,
100 87% believe in a moral order, 82% have interaction with pro-social peers, and 86% are rewarded
101 for pro-social involvement.

102 Ms. Acor reported on some of the risk factors upon which preventative measures have
103 been based. One concern is with an increase in the number of students carrying handguns. It
104 was noted that the City is above the State and National norm in this area. Additionally, all
105 grades reported that students are in need of mental health treatment. There was an increase from
106 less than 10% to over 16% of students who have seriously contemplated suicide, from the years
107 2011 to 2013. Ms. Acor emphasized that this data is specific to Springville. Council Member
108 Child inquired as to how this statistic compares with the state's average. Ms. Acor noted that the
109 state average is around 18%. In response to a question raised by Council Member Conover
110 about how many students are included in the data, Ms. Acor stated that the percentage reflects
111 about 500 out of 1,400 students. Council Member Olsen inquired about the statistic regarding
112 students carrying handguns. Ms. Acor explained that current statistics reflect students who carry
113 handguns on their person in any setting at any time. She noted that they are lifetime usage rates.

114 Further findings shown in the report were discussed. Ms. Acor reported that about 38%
115 of students report that they have a low commitment to school and noted that social groups
116 contribute to bad behavior. Statistics from the report also reflect a low neighborhood attachment.
117 Ms. Acor explained that Springville ranks above the state average in this category.

118 Ms. Acor explained that ASAP utilizes all of the information generated from the SHARP
119 Survey to follow the Communities That Care Model, which increases protective factors and
120 lowers risk factors. She explained that ASAP provides opportunities and rewards for pro-social
121 involvement, positive interaction with peers, and opportunities for increased neighborhood unity.
122 Students have been involved in planning City activities such as Battle of the Bands, the Skate

124 Park Competition, the Masquerade Ball, and Town Hall Meetings. Furthermore, ASAP has helped coordinate the Mayor's Recognition Award for students who have been instrumental in these programs.

126 ASAP has worked with the National Alliance on Mental Health (NAMI) to bring forward a program called Hope for Tomorrow, which focuses on various abuse disorders and suicide prevention. The Question, Persuade, and Refer (QPR) training program has also been implemented to address teen suicide. Ms. Acor stated that ASAP has explored having a Mental Health Week this Fall where the entire community would gather for various awareness opportunities. She commented that all of these programs and activities are intended to help students make correct choices.

134 Council Member Conover asked if the numbers in the survey were reflective only of Springville High School. Ms. Acor answered affirmatively and added that the Merit College Preparatory School did not participate. The survey in it's entirety also includes 14 charter schools across the district. She noted, however, that charter schools generally tend to not participate in surveys. City Attorney, John Penrod, added that the school district has offered to share survey information with the district, with the expectation being to review and discuss it publicly. A copy of the SHARP Survey for the Spring was also available.

140 City Administrator Troy Fitzgerald remarked that the survey also includes both national and regional information, so that comparisons can be reviewed. Attorney Penrod reiterated Ms. Acor's request to have a week dedicated to suicide prevention awareness. He explained that the Council's approval is necessary in order to move forward with that type of an event. Ms. Acor added that ASAP is looking at tentative dates in either September or October for awareness week. Staff and Members of the Council expressed interest in approaching Merit College Preparatory School and other charter schools to invite them to participate. Ms. Acor mentioned that there is also an alternative high school in the district called Landmark High School. Landmark High School has reached out and expressed interest to ASAP about bringing a mental health program to their school, based on a need. Ms. Acor explained that the school district needs to approve a program prior to implementation.

152 Attorney Penrod provided additional updates for his department and explained that he wanted to discuss prosecution, risk management, and certain cases with the Council. First, he wanted to follow up on some points the Judge made during a previous meeting. Attorney Penrod explained that the Prosecutor's schedule has increased tremendously due to changes that have occurred recently in Springville and Spanish Fork. Attorney Penrod reported that even though the number of court cases has increased, trials have decreased from 2004 to 2013.

158 Additional numbers were reported, including charges dismissed, with a high of 2,273 in 2009 and a low of 1,085 in 2004. Attorney Penrod noted that the highest amount of charges filed also occurred in 2009. He proceeded to describe Plea Agreements, and reported that between July 2012 and June 2013, the Justice Court had 339 Pleas in Abeyance. As long as the conditions of the Plea in Abeyance are met, the charges are removed and the case is dismissed. Attorney Penrod reviewed different requirements for Pleas in Abeyance based on different offenses.

164 Council Member Sorensen asked if Pleas in Abeyance often occur on sex offenses.
Attorney Penrod replied that most sex offenses go to felony court, however, it depends on the
166 case. Springville City does not address felony cases as they are all referred to the Utah County
Attorney's Office by the Police Department. Most Pleas in Abeyance handled by the City's
168 Legal Department include speeding and first time marijuana possession. Pleas in Abeyance are
used when a victim is not cooperating or the evidence is questionable. Other reasons for Pleas in
170 Abeyance involve lacking proof of insurance or expired vehicle registrations and zoning
ordinance violations.

172 Attorney Penrod reported that in the past year there were six DUI charges dismissed in
the Justice Court. One defendant died. He explained that one case had bad evidence, which
174 made the case not viable. Two cases were dismissed and filed in Felony Court. Attorney Penrod
reviewed the process of screening citations. There were 39 charges of theft that were dismissed,
176 17 were Pleas in Abeyance first time offenses, four were sent to the County as Felonies, and two
were filed in Spanish Fork as Class A Misdemeanors.

178 Attorney Penrod described some of the challenges relative to domestic violence and
assault cases. In many instances, once the cases get to court, one of the spouses won't testify
180 against the other. In these situations, Pleas in Abeyance can be very beneficial. It was noted that
between July 2012 and June 2013, three cases were dismissed, all at the request of the victim.
182 Furthermore, 26 drug related charges were dismissed, including nine Pleas in Abeyance, one sent
to the County for felony and another that was sent to Juvenile Court. Other types of drug-related
184 charges were discussed.

Data on drivers' license violations from February 2014 were reported. Seven charges
186 were dismissed, two Pleas in Abeyance, and an additional two dismissals because the defendant
pled to more serious charges. Attorney Penrod reported on cases from the previous month.
188 Council Member Olsen asked Police Chief Scott Finlayson how he felt these cases were being
handled by the Legal Department. Chief Finlayson responded that he hadn't received any
190 complaints or issues on how cases are being treated.

Attorney Penrod continued his presentation by discussing Risk Management. He
192 presented a display listing current Workers' Compensation claims against the City since they
joined the Trust last July. Council Member Conover commented that the scenarios presented
194 differ from the Utah Risk Management Mutual Association (URMMA) standards. Attorney
Penrod replied that the Trust provides a more traditional insurance, has many more members,
196 and provides trainings and webinars for various departments.

Recent cases were reviewed. It was reported that a short time ago the Utah Supreme
198 Court gave Springville's Legal Department a case entitled *Kerr vs. the City of Salt Lake*. This
case could profoundly affect cities, as it could potentially take away from governmental
200 immunity. The case also raises questions about when a City is liable for injuries related to
sidewalk damage, and Attorney Penrod explained how Springville has a discretionary function in
202 the matter.

The facts of the *Kerr vs. the City of Salt Lake* case were reviewed, which involved a
204 downtown hotel contacting the City about problems with a sidewalk in front of their building.

Salt Lake City has 800 miles of sidewalk. Within seven days of being notified, City workers went to the location to evaluate the problem. Under Salt Lake City policies, three actions can be taken. First, an assessment of repair costs can be made and then charged to the property owner. Second, the sidewalk can be closed off until the repairs have been made. Third, it can be cut in a way that the sidewalks all match up.

Attorney Penrod reported that eight days after the City was notified of the problem, a person walking in front of the hotel tripped and shattered their knee cap. The hotel testified that three-fourths of one inch to one inch of displacement in the sidewalk had been present for the past 18 months. The court concluded that this was a sufficient time frame for the City to have discovered the problem. However, the City has a policy that divides Salt Lake's 800 miles of sidewalk into quadrants that are monitored by various City employees on a rotating schedule that takes place over a period of more than one year. Using this standard it is impossible to monitor all of the sidewalks in one year. In the end, the jury found the City liable. Attorney Penrod provided additional explanation on how the decision was made.

Attorney Penrod suggested that if the Council establishes a policy that defines hazardous sidewalk conditions, all future cases that occur in Springville that are similar to the *Kerr vs. the City of Salt Lake* case can be resolved with policy level decisions. This would, therefore, carry less liability. City Administrator, Troy Fitzgerald, added that over the past few years, the City has promoted giving more authority to employees to make decisions. By eliminating strict and rigid guidelines, issues are able to be resolved more quickly. The Council needs to decide if they want to adopt strict policies, as suggested by Attorney Penrod, in order to eliminate additional legal risks, or allow City employees to make more decisions in order to provide a quicker response to citizens' concerns as they come forward.

Attorney Penrod referred to *The Town of Greece vs. Galloway* case that relates to prayer in public meetings. The Supreme Court will be making a decision in the next few months. Attorney Penrod would notify the Council of updates. He briefly discussed the *Reed vs. The Town of Gilbert* case regarding their sign ordinance.

b) Parks and Recreation

Recreation Director, Chuck Keeler, referenced a previous meeting where ideas for the float during Art City Days were discussed. This year's theme will be "A Great Place to Live," as recommended by the Art City Days Committee and City staff. Director Keeler announced that Mark Wills has been contracted for the Friday night concert, and a variety group from Provo called The Strike will perform on Saturday. Regarding the float, several bids were received from several professional float builders. Creative Concepts submitted a bid for \$10,000, Innovative Design Concepts bid \$11,500, and Modern Display bid \$10,000. Director Keeler reported that the City has used Innovative Design Concepts and Modern Display in previous years but they have never used Creative Concepts. The Art City Committee reviewed the bids from all three companies. The display will focus on the splash pad, Bartholomew Pond, and parks.

There was additional discussion about focusing the float on outdoor activities. Director Keeler suggested displaying a young boy fishing on a dock. Administrator Fitzgerald asked if

the dock will exist at that point, and explained that a dock might not be the best option. Council Member Conover mentioned using golf as a focus. Council Member Sorensen suggested having a basketball court to represent the girls' basketball team winning the State Championship. Director Keeler agreed to work with Modern Display to make necessary changes to the float.

Director Keeler reported that he met with the Chamber of Commerce who is enthusiastic about the idea of having Business Bingo at Art City Days. The Chamber will provide a list of businesses that can be involved in that activity. It was noted that next year is the 50th year for Art City Days. As a result, a larger budget will likely be requested.

c) Public Works

Public Works Director, Brad Stapley, addressed this year's proposed budget. He noted that crack sealing for roads has been approved and that in general roads have a seven-year plan.

It was noted that the cost difference between chip sealing and milling is significant. Chips are rougher and protect the roads. It was recommended that chip sealing not be done in residential areas, and to use crack sealing first. It was noted that 400 East is only going to be crack sealed because the pavement is newer. Council Member Sorensen remarked that some roads haven't been repaired in 13 years. Director Stapley replied that those roads will be added to a future plan.

There was discussion about bus benches. It was noted that the pull-out benches were installed by private individuals. There was also mention of the RFP document with one response coming from a company in Florida. They set up benches that provide many benefits. It is important that they meet both UTA and UDOT standards, since they will be on public property. They will also need to be registered with UTA and UDOT. It was noted that use of benches for advertising will be restricted. Council Member Sorensen asked how to make these limitations. Attorney Penrod suggested establishing a specific policy with guidelines on the matter. It was also noted that the City has a total of 30 bus stops.

Director Stapley stated that the City does not want to locate benches in residential areas; however, residential areas still need to be addressed. Council Member Conover commented that the bus routes are dependent on UTA, and subject to change. Administrator Fitzgerald added that the City could provide the service by installing the benches and paying for them without advertising. Director Stapley pointed out that there are more bus stops in residential areas than there are in commercial areas. Council Member Sorensen remarked that other cities have bus benches in residential areas and felt that it would not be problematic for Springville either. Council Member Olsen asked about maintenance. Director Stapley replied that the company installing them will assume responsibility. There was additional discussion about citizen concerns with bus benches being located in their neighborhoods as well as the best way to fund them.

Administrator Fitzgerald stated that staff will coordinate with UTA to determine which bus stops are the busiest. Council Member Sorensen felt it would be nice for citizens to have a place to sit while they wait for the bus. Council Member Child asked if the City could also use canopies. Director Stapley replied that they could potentially do both at busier stops. Council

Member Sorensen stated that canopies do not need to be installed in residential areas. In conclusion, staff explained that they would do more research on the matter and come forward to the Council with additional recommendations at a later date.

5. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

a) Landmarks Preservation Commission

Council Member Sorensen noted the Landmark Preservation Commission has not had meetings to this date and they plan to meet before the end of June

b) Historical Society

There was no comment.

6. CLOSED SESSION

The Springville City Council may temporarily recess the regular meeting and convene in a Closed Session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

COUNCIL MEMBER CHILD MOVED TO TEMPORARILY ADJOURN TO A CLOSED SESSION AT 6:48 P.M. AS PROVIDED BY U.C.A. §52-4-205 IN ORDER TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION. COUNCIL MEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCIL MEMBER OLSEN – AYE; COUNCIL MEMBER CREER – AYE; COUNCIL MEMBER CONOVER – AYE; COUNCIL MEMBER SORENSEN – AYE. THE MOTION CARRIED UNANIMOUSLY.

THE WORK/STUDY MEETING OF THE CITY COUNCIL WAS RECONVENED BY CONSENSUS AT 6:55 P.M.

ADJOURNMENT

COUNCIL MEMBER SORENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE CITY COUNCIL MEETING AT 6:58 P.M. COUNCIL MEMBER OLSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE. THE MOTION PASSED UNANIMOUSLY.